

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 06-188-GMS
	)	
BELLA VISTA DEVELOPMENT, LLC,	)	
a Virginia corporation, BELLA VISTA	)	TRIAL BY A JURY DEMANDED
TOWNHOME CONDOMINIUM	)	
ASSOCIATION, INC., a Delaware	)	
Corporation, RESORT REALTY GROUP,	)	
INC., a Delaware corporation, WILLIAM J.	)	
MITCHELL, individually, and WAYNE	)	
MITCHELL, individually,	)	
	)	
Defendants.	)	

**DEFENDANT RESORT REALTY GROUP, INC.'S MOTION TO DISMISS**

Defendant Resort Realty Group (Defendant), by and through its undersigned counsel, hereby moves moves this Court for an Order dismissing the Amended Complaint against it pursuant to Rule 12 (b)(5) of the Federal Rules of Civil Procedure.

Defendant respectfully refers the Court to the factual assertions and legal arguments made in Defendant's Opening Brief in support of this Motion, filed contemporaneously herewith and included herein by reference.

WHEREFORE, Defendant respectfully requests this Court to grant the Motion to Dismiss the Complaint and to award such other relief as is just and proper.

FERRY, JOSEPH & PEARCE, P.A.

/s/Robert K. Pearce

ROBERT K. PEARCE, ESQ. (I.D. No. 191)

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Resort Realty Group, Inc.

Dated: January 20, 2007

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FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK,	)	
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Plaintiff,	)	
	)	C. A. No. 06-188-GMS
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a Virginia corporation, BELLA VISTA	)	TRIAL BY A JURY DEMANDED
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Corporation, RESORT REALTY GROUP,	)	
INC., a Delaware corporation, WILLIAM J.	)	
MITCHELL, individually, and WAYNE	)	
MITCHELL, individually,	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, TO-WIT, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, the foregoing Motion to Dismiss having been presented to and considered by the Court,

IT IS HEREBY ORDERED that Defendant Resort Realty Group, Inc.'s motion is GRANTED, and Plaintiff Sandra E. Fluck's claims against Defendant Resort Realty Group, Inc. is DISMISSED.

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The Honorable Gregory M. Sleet  
United States District Court Judge

I, Robert K. Pearce, Esquire do hereby certify that on February 20, 2007 I electronically filed the foregoing *Defendant Resort Realty Group, Inc.'s Motion to Dismiss* with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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ROBERT K. PEARCE, ESQUIRE  
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Dated: February 20, 2007